

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2012 JUL 24 A 10:09

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

HELENE CONGE)
2005 Oswald Place)
Falls Church VA 22043)

Plaintiff,)

v.)

UNITED STATES OF AMERICA)

SERVE:)

DEPT. OF THE ARMY)
US ARMY CLAIMS SERVICE)
OFC. OF THE JUDGE)
ADVOCATE GENERAL)
4411 LLEWELLYN AVE, STE. 5360)
FT. GEORGE G. MEADE, MD 20755)

AND)

LEON E. PANETTA)
SEC. OF DEFENSE)
1000 DEFENSE PENTAGON)
WASHINGTON, DC 20301)

AND)

JOHN M. McHUGH)
SEC. OF THE ARMY)
101 ARMY PENTAGON)
WASHINGTON, DC 20310)

AND)

ALSO SERVE:)

Civil Action No. 1:12cv 811

LO/TCB

THE UNITED STATES ATTORNEY'S)
CIVIL PROCESS - CLERK)
2100 JAMIESON AVE)
ALEXANDRIA, VA 22314)
)
Defendant.)

ORIGINAL COMPLAINT FOR DAMAGES UNDER THE FEDERAL TORT CLAIMS
ACT

Helene Conge, by and through her counsel, files this action against the United States of America and as and for her cause of action states as follows:

I.

JURISDICTION, VENUE, AND CONDITIONS PRECEDENT

1. Plaintiff, Helene Conge, resides at 2005 Oswald Place, Falls Church, Virginia and thus is a resident of the Eastern District of Virginia.
2. The claims herein are brought against the United States pursuant to the Federal Tort Claims Act (28 U.S.C. § 2671, *et seq.*) and 28 U.S.C. § 1346(b)(1), for money damages and compensation for personal injuries that were caused by the negligent and wrongful acts and omissions of employees of the United States of America while acting in the scope of their offices and employment under circumstances where the United States, if a private person, would be liable to the plaintiff in accordance with the laws in the Commonwealth of Virginia.
3. All, or a substantial part of the acts or omissions forming the basis of this claim

occurred in the Eastern District of Virginia.

4. Plaintiff has fully complied with the provisions of 28 U.S.C. § 2675 of the Federal Tort Claims Act.
5. On or about October 17, 2011, Plaintiff, pursuant to 28 U.S.C. § 2675 (a)(5) filed this claim with the United States Army Claims Service, Department of the Army. Thereafter, on about April 24, 2012 a denial of the claim in writing was issued by David O. Anglin, Lieutenant Colonel, United States Army, Acting Chief, Tort Claims Division for the United States Army Claim Service. This action is brought within one-hundred and eighty (180) days of the aforesaid denial.

II.

EVENTS FORMING THE BASIS OF THESE CLAIMS

6. On October 25, 2009, the Plaintiff was walking on the grounds of Joint Base Myer-Henderson Hall. The Plaintiff was walking on an asphalt path parallel to Knoxville Road and was caused to fall and sustain serious injuries as a result of a deep defect in the surface of the path.
7. On October 25, 2009, the plaintiff was an invitee and guest of the defendant at the location where she fell.
8. The defendant, the United States of America, owned and maintained the pathway

which is the location of this incident.

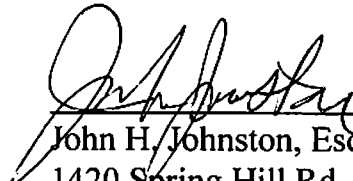
9. The Defendant owed certain duties to the Plaintiff and others using the pathway, including but not limited to the duty to maintain the premises in a reasonably safe condition from hazards which were recognized or should have been recognized by the defendant. Further, the defendant had a duty to inspect, warn and otherwise use ordinary care to comply with the applicable rules of the Commonwealth of Virginia in maintaining the common areas of its property.
10. At the aforesaid time and place the defendant breached the duties owed to the plaintiff by failing to maintain the premises in a reasonably safe condition, failing to inspect the common areas of the premises, and further by failing to warn invitees, such as the plaintiff, of the dangerous conditions existing on the pathway at the time.
11. As a result of the aforesaid negligence of the defendant, the plaintiff was caused to fall and suffer serious and permanent injuries to her person, caused to endure pain, suffering, embarrassment, mental anguish and to require medical care and to incur expenses for her treatment, and she may in the future require medical care and treatment for the injuries sustained, and has sustained permanent disability and limitation of motion. Further, the plaintiff, as a result of the defendant's negligence has lost income in the past and may lose income in the future and has sustained a potential loss of earning capacity. Further, she will for an indefinite time be

deprived of the ordinary pleasures of life and loss of well being.

WHEREFORE, Plaintiff, Helene Conge, demands judgment against the defendant against the United States of America in the amount of ONE MILLION FIFTY THOUSAND DOLLARS (1,050,000.00) with interest from October 25, 2009 and her cost, and such further relief as the Court may deem proper.

Respectfully Submitted,

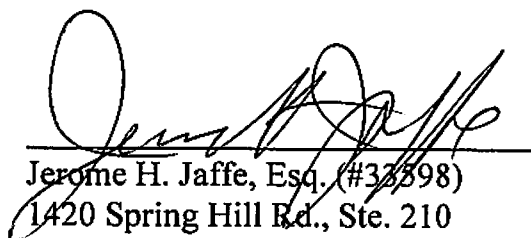
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and

THE JAFFE LAW FIRM, P.C.

A handwritten signature in black ink, appearing to read "Jerome H. Jaffe", is written over a horizontal line.

Jerome H. Jaffe, Esq. (#32398)

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